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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 JEROME TALLEY,

9 Petitioner,

10 v.

11 SUPERINTENDENT OF THE CLALLAM  
BAY CORRECTIONAL CENTER,

12 Respondent.  
13

Case No. C17-1586-TSZ-JPD

ORDER DENYING  
MISCELLANEOUS MOTIONS

14 This is a 28 U.S.C. § 2241 habeas action. Petitioner has filed the following motions:  
15 “Motion for Relief from Order(s) Dated: December 1st, 2017, Under Fed. R. Civ. Proc. Rule  
16 60(b) on Grounds of Mistake of Spelling” (Dkt. 24); “Fed. R. Civ. P. Rule 60(b) Motion for  
17 Relief From[] Order(s) Dated: December 1st, 2017” (Dkt. 32); “Motion to Quash and Expunge  
18 Arrest Record/Arrest” (Dkt. 47); “Motion for Leave to File a Title 42 U.S.C. Section 1983 Civil  
19 Rights Complaint Against State Actors” (Dkt. 48); and “Motion for Relief from Order on  
20 Motions to Recuse Under Federal Rule of Civil Procedure, Rule 60(b) Dated: February 27th,  
21 2018” (Dkt. 52). Having considered petitioner’s motions, the Report and Recommendation filed  
22 currently with this Order, the balance of the record, and the governing law, the Court finds and  
23 ORDERS:

ORDER DENYING MISCELLANEOUS  
MOTIONS - 1

1           (1)     Petitioner’s “Motion for Relief from Order(s) Dated: December 1st, 2017, Under  
2 Fed. R. Civ. Proc. Rule 60(b) on Grounds of Mistake of Spelling” is based on the Court spelling  
3 his name in capital letters in the caption of the challenged orders. The motion (Dkt. 24) is  
4 DENIED as frivolous.

5           (2)     Petitioner’s “Fed. R. Civ. P. Rule 60(b) Motion for Relief From[] Order(s) Dated:  
6 December 1st, 2017” claims that the wrong respondent is named in this action and that the  
7 respondent should be an official from the State of Nevada. Because petitioner is currently  
8 incarcerated at the Clallam Bay Corrections Center, the respondent is properly the  
9 Superintendent of that institution. *See Rumsfeld v. Padilla*, 542 U.S. 426 (2004). The motion  
10 (Dkt. 32) is DENIED.

11           (3)     Petitioner’s “Motion to Quash and Expunge Arrest Record/Arrest” seeks to  
12 expunge and quash his arrest and arrest record, which is attached to respondent’s motion to  
13 dismiss. The motion (Dkt. 47) is DENIED as frivolous.

14           (4)     Petitioner’s “Motion for Leave to File a Title 42 U.S.C. Section 1983 Civil Rights  
15 Complaint Against State Actors” attempts to get around the bar order that has been entered  
16 against him. Petitioner’s bar order provides in relevant part:

17           Respondent Jerome Talley is prohibited from filing any civil action in the  
18 Western District of Washington unless the complaint or petition is accompanied  
19 by a signed affidavit stating under penalty of perjury that the complaint contains  
20 new allegations not previously litigated. Mr. Talley may not proceed in forma  
21 pauperis in any § 1983 or Bivens action without a showing that he is in imminent  
22 danger of serious bodily injury or death. Any complaint or petition filed by Mr.  
23 Talley that is not accompanied by a signed affidavit and/or an imminent danger  
showing will not be filed.

*In re Jerome Talley*, Case No. 15-MC-164-MJP, Dkt. 15 at 2 (W.D. Wash. Nov. 25, 2015). In  
light of the bar Order, petitioner’s motion for leave (Dkt. 48) is DENIED. If petitioner believes


1 he has a case that is permitted by the bar order, he may file a new action, which will be reviewed  
2 by the assigned judge.

3 (5) Petitioner's "Motion for Relief from Order on Motions to Recuse Under Federal  
4 Rule of Civil Procedure, Rule 60(b) Dated: February 27th, 2018" seeks the recusal of the  
5 undersigned. On February 27, 2018, the Court denied petitioner's motion to recuse and referred  
6 the motion to the Chief Judge. (Dkt. 50.) On March 2, 2018, the Chief Judge affirmed the  
7 Court's Order. (Dkt. 51.) Although petitioner states that his motion arises under Rule 60(b), the  
8 Court construes it as a motion for reconsideration.

9 Motions for reconsideration are disfavored, and ordinarily the Court will deny such a  
10 motion unless there is "a showing of manifest error in the prior ruling or a showing of new facts  
11 or legal authority which could not have been brought to [the Court's] attention earlier with  
12 reasonable diligence." W.D. Wash. Local Rules LCR 7(h)(1). Petitioner has not made either of  
13 the showings required by LCR 7(h)(1), and therefore his motion (Dkt. 52) is DENIED.

14 (6) The Clerk is directed to send copies of this order to the parties and to the  
15 Honorable Thomas S. Zilly.

16 Dated this 20th day of March, 2018.

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18 JAMES P. DONOHUE  
19 United States Magistrate Judge  
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